

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARCO MIGUEL ROBERTSON,

Plaintiff,

v.

EXECUTIVE DIRECTOR, BRAIN
INSTITUTE, GEISINGER MEDICAL
CENTER,

Defendant.

CIVIL ACTION NO. 3:14-CV-10

(JUDGE CAPUTO)

(MAGISTRATE JUDGE CARLSON)

ORDER

NOW, this 18th day of February, 2014, upon review of the Report and Recommendation of Magistrate Judge Martin C. Carlson (Doc. 5) for plain error or manifest injustice and Plaintiff's Objection to the Report and Recommendation (Doc. 9),¹

IT IS HEREBY ORDERED that:

- (1) Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. 6) is **GRANTED**.
- (2) The Report & Recommendation (Doc. 5) is **ADOPTED**.
- (3) The Complaint (Doc. 1) is **DISMISSED without prejudice**. Plaintiff may file an Amended Complaint within **twenty (20)** days of the date of entry of this order to correct the defects cited in the Report and Recommendation.

¹ Where objections to the Magistrate Judge's report are filed, the Court must conduct a *de novo* review of the contested portions of the report. *Sample v. Diecks*, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989) (citing 28 U.S.C. § 636(b)(1)(c)). However, this only applies to the extent that a party's objections are both timely and specific. *Goney v. Clark*, 749 F.2d 5, 6–7 (3d Cir. 1984). Because the Objection does not address the fact that Plaintiff failed to name any federal officials as defendants or that he seeks relief beyond the power of the private Defendant to provide, the Report and Recommendation has been reviewed for clear error or manifest injustice. See, e.g., *Cruz v. Chater*, 990 F. Supp. 375, 376–77 (M.D. Pa. 1998).

- (4) The matter is **RECOMMITTED** to Magistrate Judge Carlson for further proceedings.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge